IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1182 OF 2004

Hanumant Dhondiba Kale .. .. Appellant

Versus

Dhondiba Baburao Kale and Ors. .. Respondents

Shri Nitin P. Deshpande for appellant

CORAM : P.V.KAKADE, J.

DATE : 18th OCTOBER, 2004.

P.C.:

1. Heard the learned counsel for the appellant.

2. This is an appeal filed against the concurrent findings of both the courts below dismissing the plaintiffs Civil Suit for declaration to the effect that the sale deed executed by plaintiff’s father in favour

of Respondent Nos.3 and 4 is not binding on him as it was obtained on fraud. Both the courts below have come to the conclusions that the plaintiff failed to establish that his father defendant no.1 was given to various vices for which purpose land was sold to Defendant no.3 and 4 as against this it was the contention of the defendant nos.3 and 4 that the land was sold for the marriage of daughter of defendant no.1, which appears to have been accepted by both the courts below. No substantial questions of law is raised. If we apply the ratio of Apex Court in the case of Kondiba Dagadu Kadam vs. Savitribai Sopan Gujar & Ors. - AIR 1999(3) SUPREME COURT 2213. There is absolutely no doubt that this appeal deserves to be dismissed and hence stands dismissed in limine.